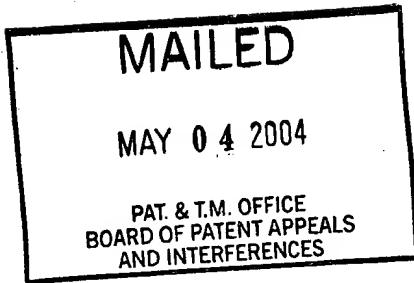


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TRACY GLASER

Application 09/909,737

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on April 5, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On August 7, 2003, appellants filed a one month extension of time (Paper No. 11) and an Appeal Brief (Paper No. 12). While the Patent and Trademark Office records reflect that the one month extension of time fee has been charged, there is no indication that the Appeal Brief fee has been charged.

In addition, 37 CFR § 1.192(a) states:

(a) Appellant must, within two months from the date of the notice of appeal under § 1.191 or within the time allowed for reply to the action from which the appeal was taken, if such time is later, file a brief in triplicate.

The Appeal Brief filed August 7, 2003 (Paper No. 12) is deficient because three copies of the Brief were not submitted.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for the \$160 Appeal Brief fee to be charged;
2. for notification to appellant to submit two additional copies of the Appeal Brief filed August 7, 2003 (Paper No. 12);
3. for written notification to appellants regarding the action taken; and

4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE SHAW

Program and Resource Administrator
(703) 308-9797

cc: Kevin L. Russell
Suite 1600
601 SW Second Avenue
Portland, OR 97204

DS/psb/dm
ra040504